

00- *K* -1939

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$7,500.00 TO AMY ARNOLD, THROUGH HER
ATTORNEY, BRUCE A. HAGEN IN SETTLEMENT OF HER
CLAIM AGAINST THE CITY OF ATLANTA**

WHEREAS, AMY ARNOLD, through her attorney Bruce A. Hagen has filed a claim against the City of Atlanta seeking damages arising from personal injuries sustained due to a fall in an open water meter; and

WHEREAS, on May 8, 1999 Amy Arnold was injured when she fell in an open water meter located at 3049 Peachtree Road. The water meter was an abandoned water meter and had not been in operation since 1988; and

WHEREAS, the Department of Water performs ministerial functions and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$25,000.00 but has agreed to accept the sum of \$7,500.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **AMY ARNOLD**, through her attorney Bruce A. Hagen be settled for the sum of \$7,500.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$7,500.00 be paid by the City of Atlanta in satisfaction of any and all claims **AMY ARNOLD**, through her attorney Bruce A. Hagen may have stemming from personal injuries sustained on or about May 8, 1999 at 3049 Peachtree Road and that the City Attorney prepare the appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0434

Date: November 16, 2000

Claimant /Victim AMY ARNOLD
BY: (Atty) Bruce A. Hagen
Address: 230 Peachtree Street, NW, Suite 1502, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ 25,000.00
Date of Notice: 06/30/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/08/99 Place: 3049 Peachtree Road
Department Water Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The alleges she was injured when she fell in an open water meter. The investigation determined that the water meter was abandoned and had not been read since 1988.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

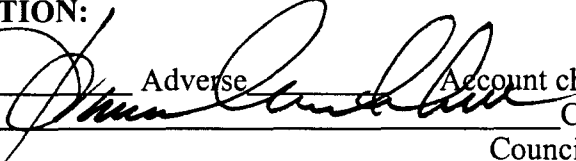
BASIS OF RECOMMENDATION:

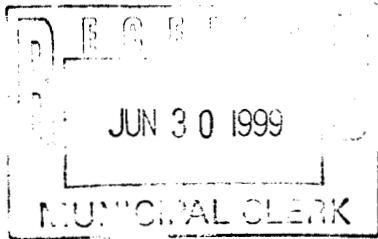
Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 7,500.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager:  Concur/date 11-16-00
Committee Action: Council Action



BRUCE A. HAGEN
Attorney at Law
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Suite 1502
Atlanta, Georgia 30303

Mitchell
07/06/99
Dr
33-38-111-1128 0070

Telephone:
(404) 522-7553

ENTERED - 7-21-99 - SB
99L0434 - DIANNE MITCHELL

Facsimile:
(404) 522-7744

June 25, 1999

Ms. Sherri Butler
Council of City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Re: Your Insured: Water Works
Claim Number: unknown
My Client: Amy Arnold
Date of Loss: 5/8/99

Dear Ms. Butler:

Please accept this as our letter of representation in the above-referenced matter. My client fell in a city water hole, which was not marked. A copy of the police report is enclosed for your review.

In light of the fact that our client was injured due to your insured's negligence, we do not believe that there is any question as to your insured's liability for my client's injuries. However, if you disagree, we trust that you will notify us of your position in the near future.

At this time, we are in the process of assembling information on my client's special damages. My client is still receiving treatment for the injuries sustained. We will forward all information to you when it is available.

Additionally, please accept this as our request in accordance with O.C.G.A. § 33-3-28, that you provide to us within sixty (60) days of receiving this letter, a written statement, under oath, of a corporate officer or insurance claims manager of your company, the following information in regard to the insurance policy issued by you to your insured;


- (1) Each policy of insurance including excess or umbrella insurance;
- (2) Name of the insurer;

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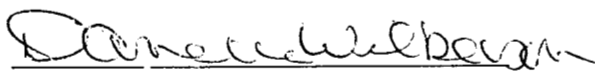
- (3) Name of each insured; and
- (4) Limits of coverage.

We appreciate your attention to this matter and look forward to working with you on this claim.
Thank you for your assistance.

Very Truly Yours,


Bruce A. Hagen
Attorney at Law

Sworn to and subscribed
before me this 25 day
of June, 1999.


NOTARY PUBLIC
My Commission expires: 8-13-00

BAH:njp
Enclosure

cc: Ms. Amy Arnold